T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

Date:			25-Apr-08	APPL. S. N:	10815193				
To Exar	miner:	•	VILLECCO, JOHN	Art Unit	2622				
From		•	Jefferson, Henry PARALEGAL SPCECIALIST	Return This Memo To: Case Drop-Off Location	JEF-2D68				
SUBJE	CT: Decisi	on on Termina	Disclaimer(T.D.) filed:						
form pa or have	ragraphs any ques	identified by th tions, please s	nis informal memo in your nex ee me or the Special Program	t Office action to notify applicant Examiner. THIS IS AN INFORMAL	agree, please use the appropriate of the T.D. If you disagree , INTERNAL MEMO ONLY. FILE. When your action is complete,				
please i	initial, dat	e and return th	nis memo to me. THANK YOU.						
Y	The T.D	. is PROPER ar	d has been recorded (see 14.	23).					
Γ.	The T.D	. is NOT PROP	ER and has not been accepted	for the reason(s) checked below	(see 14.24):				
		The TD fee of has not been submitted nor is there any authorization in the application file for the use of a deposit account							
	. Б	The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01).							
	Г	The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see 14.27.01).							
		The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a terminal portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02).							
	<u> </u>	The person v	ho signed the T.D.:						
		is n	ot an attorney "of record" (se	e 14.29 and 14.29.01).					
		has	failed to state his/her capacit	y to sign for the business entity (see 14.28).				
	•	☐ is n	ot recognized as an officer of	the assignee (see 14.29 & possibl	e 14.29.02).				
		No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see 14.30).							
		The T.D. is n	ot signed (see 14.26 & 14.26.	03).					
			mber of the application (or the ection is missing or incorrect	e number of the patent) which for (see 14.32).	ms the basis for the double				
	Γ.	The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see 14.26, 14.27.02 or 14.26.05).							
	<u>.</u>	The period d	isclaimed is incorrect or not sp	pecified (see 14.26, 14.27.02 or 1	4.26.03).				
		Other:							
	Γ.		o request refund (see 14.36). heck this item.	NOTE: If already authorized, cred	lit refund to deposit account				
I have	appropriat	ely notified ap	plicant(s) of the status of the	Terminal Disclaimer filed in this ca	ase.				
Ex.Initi	als: <u>·</u>	Dat	e:		Log Date:				

Application Number	Application/Control No.		Applicant(s)/Patent under Reexamination SHONO, TETSUJI						
Document Code - DISQ	Internal Doc		ocument – DC	cument – DO NOT MAIL					
TERMINAL DISCLAIMER	☐ APPROVI	APPROVED		☐ DISAPPROVED					
to a Te		t is subject erminal aimer							
Approved/Disapproved by:									
Henry D. Jefferson									

U.S. Patent and Trademark Office

007 11/08 THU 10:44 FAX 03 5210 7128 9147 HIAIRA&ASSOCIATES →→→ PENTAL (12 1/1)

NOV. 2. 2007 3:19PM

GREENBLUM&BERNSTEIN

NO. 6393 P. 9

00294764.DOC I25120.A17

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Tetsuji SHONO

Group Art Unit: 2612

Appln. No. : 10/815,193

Examiner: John M. VILLECCO

Filed

: April 1, 2004

For

: DIGITAL CAMERA WITH MOVEABLE IMAGE PICKUP DEVICE

TERMINAL DISCLAIMER

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Amendment
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

Your petitioner, PENTAX Corporation, a corporation under the laws of Japan, whose business address is 2-36-9 Maeno-Cho, Itabashi-Ku, Tokyo, Japan, represents that it is the owner of record of the entire right, title and interest of the above-identified application by virtue of an assignment recorded in the U.S. Patent and Trademark Office on April 1, 2004 at Reel 015167, Frame 0934 of U.S. Application No. 10/815,193 (hereinafter '193) for Digital Camera With Moveable Image Pickup Device.

The undersigned representative is authorized to act on behalf of the assignee, and it is certified that to the best of the undersigned's knowledge and belief, title is in the assignee.

Your petitioner, PENTAX Corporation, hereby disclaims, except as provided below, the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of any patent granted on co-pending U.S. Application No. 10/815,194, and hereby agrees that any patent so granted on the above-identified ('193) application shall be enforceable only for and during such period that the legal title to said patent

(125120 00294764,DOC)1

07-11/08 THU 10:44 FAX 03 5210 7128 71419 # HIAIRA&ASSUCIALES --- FERTAL CIRCUM

NOV. 2.2007 3:20PM

GREENBLUM&BERNSTEIN

NO. 6393 P. 10

00294764.DOC I25120.A17

shall be the same as the legal title to co-pending US Application No. 10/815,194, this agreement to run with any patent granted on the above-identified ('193) application and to be binding upon the grantee, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above identified ('193) application prior to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 as presently shortened by any terminal disclaimer of any patent granted on co-pending US Application No. 10/815,194 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the failure of common ownership stated above.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted, Tetsuji SHONO

Ву

Name : Tatsuo Itami

Vice President

Title

Novembr 12th, 2007

command extended and proceeding to the command of the command of

(125120 00294764.DOC)2